



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622

Shelton Holt
177-21 105th Avenue
Jamaica, NY 11433

Re: *EEOC Charge No. 846-2014-29239*
Holt v. Dynasen Industries

Dear Mr. Holt:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. The procedures apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

We have evaluated your charge based upon the information you submitted, and have determined that further investigation will unlikely result in a determination that Respondent violated one of the federal laws enforced by the Commission. Therefore, your charge will be dismissed.

Attached is your Dismissal and Notice of Rights. If you want to pursue this matter further in federal court, your lawsuit must be filed within 90 days of your receipt of the Notice.

Please contact Investigator Paul Young at (212) 336-3783 if you have any questions

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Berry", is written over a horizontal line.

Kevin J. Berry
District Director

for

SEP 30 2014

Date

Enc.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Shelton Holt**
177 - 21 105th Ave
Jamaica, NY 11433

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2014-29239

Paul Young,
Investigator

(212) 336-3783

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

SEP 30 2014

(Date Mailed)

Enclosures(s)

CC:

Attn
Director of Human Resources
DYNASEN INDUSTRIES
58-30 64th Street
Maspeth, NY 11378

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 846-2014-29239	
New York State Division Of Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mr. Shelton Holt		Home Phone (Incl. Area Code) (213) 258-8583	
Date of Birth 07-04-1959			
Street Address 177 - 21 105th Ave		City, State and ZIP Code Jamaica, NY 11433	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name DYNASEN INDUSTRIES		No. Employees, Members 101 - 200	
Phone No. (Include Area Code) (718) 416-0250			
Street Address 58-30 64th Street,		City, State and ZIP Code Maspeth, NY 11378	
Name		No. Employees, Members	
Phone No. (Include Area Code)			
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 06-05-2014 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): SEE ATTACHED.			
<div style="text-align: right;"> </div>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Charging Party Signature			

EEOC Charge No. 846-2014-29239

Holt v. Dynasen Industries


Statement of Charging Party

My name is Shelton Holt. I am a fifty-five year-old African-American male. I believe that I have been discriminated against based on my race (Black) and age by my employer, Dynasen Industries (hereinafter referred to as "Respondent").

I was hired as a Cleaner in November 2013. Since the start of my employment with Respondent, Supervisors Jorge Castillo and Javier Cortez have harassed me because of my Race and Age. These two individuals have created a hostile work environment by using underhanded tactics which include, but not limited to; making false statements, racial epithets, threats and intimidation and abuse of power. I have complained to Respondent regarding these discriminatory actions, but they have not taken any action to stop the harassment.

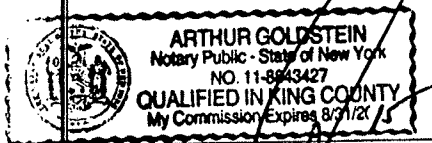
I believe that by discriminating against me on the basis of my race and age, Respondent has violated Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act as well as applicable state and municipal statutes.

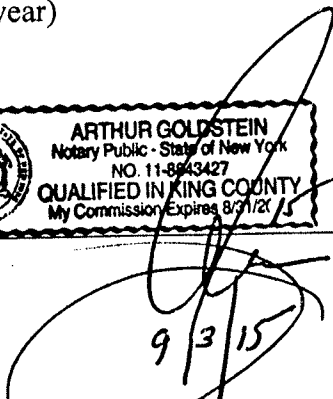
I affirm that the above statement is true to the best of my knowledge, information and belief.

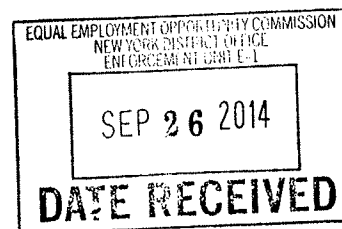

Charging Party Signature

9/3/2014
Date

Subscribed and sworn to before me on this date:
(month, day, year)




9/3/15



Shelton Holt
177-21 105th Avenue
Jamaica, N.Y. 11433
(213) 258-8583

Fax

To: Paul Young, E.E.O.C.	From: Shelton Holt
Fax: 212-336-3625	Pages: 02
Phone: 212-336-3783	Date: 7/31/2014
Re: Complaint	CC: FILE
<input checked="" type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input checked="" type="checkbox"/> Please Comment <input checked="" type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

● **Comments:**

As per our conversation:

On or about – January / 2014

Javier Cortez lied to supervisor Curtis Callendar and said he was cursed and threatened by myself.

On or about – February / 2014

Javier Cortez informed other employees in conversation that I was a "black nigger" that needed to be fired. He is a source of constant complaints to Supervisor Curtis Callendar about myself.

On or about – March / 2014

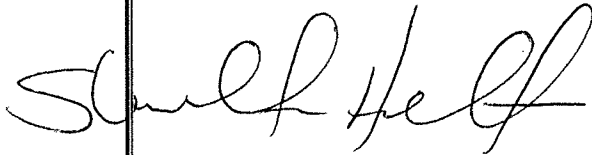
Javier Cortez falsified company documents that work (Rust Removal) was not performed and completed when in fact it was. He then added duties to a copied report in retaliation for his discovery in the falsifying of these records.

July 31, 2014

On or about – May / 2014

Jorge Castillo reported to Supervisor Curtis Callendar that I did not notify in to shop authority about the completion of my scheduled work route. Supervisor uncovered a pattern of inconsistency and falsehoods after checking communication device.

Jorge Castillo and Javier Cortez have entered into a conspiracy to discriminate, disgrace, discredit and dismiss me from my employ. These two supervisors are liars and quintessential racist. They are unfit to be supervisors and are biased to the bitter end to anyone who isn't of their ethnic group.

A handwritten signature in black ink, appearing to read "Scott Helf". The signature is written in a cursive, flowing style with a large initial "S" and a long, sweeping underline.